

HOUSE  
RESEARCH  
ORGANIZATION bill analysis

4/23/2007

HB 218

B. Brown, et al.

2:13-cv-00193

SUBJECT: Requiring voters to present proof of identification

COMMITTEE: Elections — favorable, without amendment

VOTE: 4 ayes — Berman, Bohac, England, C. Howard

0 nays

3 absent — Anchia, Burnam, Farias

WITNESSES: For — Tina Benkiser, Republican Party of Texas; Skipper Wallace, Texas Republican County Chairman's Association; Bill Borden; Ed Johnson; (*Registered, but did not testify*: John Colyandro, Texas Conservative Coalition; Russ Duerstine, Tom Green County GOP; Carolyn Galloway, Texas Eagle Forum, Citizens for Immigration Reform; Mary Ann Collins)

Against — Lydia Camarillo, Southwest Voter Registration Education Project; John Courage and Teri Sperry, True Courage Action Network; Luis Figueroa, MALDEF; Sonia Santana, ACLU-Texas; Bryson McCall Smith, Coalition of Texans with Disabilities; Laurie Vanhoose, Advocacy, Inc.; Kenneth Flippin; (*Registered, but did not testify*: Joy Arthur, People for the American Way; Ken Bailey, Texas Democratic Party; Mario M. Champion, Latinos for Texas; Debra Cody and Connie Hooks, city of College Station; Kathryn Dean, ACLU; Mary Finch, League of Women Voters of Texas; Will Harrell, NAACP of Texas; Paula Littles, Texas AFL-CIO; Toni Milam, City of Buda; Tim Morstad, AARP; Rosa Pacheco, Gray Panthers; Jodi Park, Coalition of Texans with Disabilities; Marcelo Tafoya, LULAC; Suzy Woodford, Common Cause of Texas; Susan Barrick; Perry Dorren; Ysidro Gutierrez; Johnnie Jones)

On — Adrienne McFarland, Texas Attorney General's Office; Ann McGeehan, Secretary of State; (*Registered, but did not testify*: Marty Forte, Dallas County Republican Party; Steve Raborn, Tarrant County Elections)

BACKGROUND: Election Code, sec. 63.001 requires a voter to present a voter registration certificate to an election officer when offering to vote at a polling place. Sec. 63.008 establishes that a voter who does not present a voter registration certificate when offering to vote, but whose name is on the list

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of registered voters for the precinct, shall be accepted for voting if the voter executes an affidavit stating that the voter does not have the voter registration certificate at the polling place, and the voter presents proof of identification in a form described in sec. 63.0101, including:

- a driver's license or personal identification card issued to the person by the Department of Public Safety (DPS) or a similar document issued to the person by an agency of another state, regardless of whether the license or card has expired;
- a form of identification containing the person's photograph that establishes the person's identity;
- a birth certificate or other documentation confirming birth that is admissible in a court of law and establishes the person's identity;
- U.S. citizenship papers or a U.S. passport issued to the person;
- official mail addressed to the person by name from a governmental entity;
- a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or
- any other form of identification prescribed by the secretary of state.

In 2002, Congress enacted the Help America Vote Act of 2002 (HAVA) (42 U.S.C. Sec. 15301 et seq.), a comprehensive law governing state electoral administration. Among other things, HAVA requires first-time registrants who register by mail and have not voted in a federal election—or in cases where a state does not have a computerized, statewide voter registration system—to present, with the registration materials or at the polls, any of the following forms of identification:

- a copy of a current and valid photo identification (the original if voting in person); or
- a copy of a current utility bill, bank statement, or government check, paycheck or other government document that shows the name and address of the voter.

No voter can be turned away at the polls for failure to produce identification, and voters without proper identification in every state have some sort of recourse to cast a vote.

The 78th Legislature in 2003 enacted HB 1549 by Denny to implement changes necessary to Texas law for HAVA compliance.

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DIGEST:

HB 218 would require a voter at the polls to present to an election officer the voter's registration certificate and a form of identification. Any one of the following forms of photo identification would satisfy the requirement:

- a driver's license or personal ID card issued by DPS that was current or had expired no more than two years earlier;
- a U.S. military ID card or a valid employee ID card;
- a U.S. citizenship certificate or a U.S. passport;
- a student ID card issued by a public or private higher education institution in Texas; or
- a concealed handgun license issued by DPS.

Alternately, the voter could satisfy the identification requirement by presenting any two of the following:

- a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter;
- official mail addressed to the person by name from a governmental entity;
- a certified copy of a birth certificate or other legal document confirming the birth and establishing the person's identify;
- U.S. citizenship papers;
- an original or certified copy of the person's marriage license or divorce decree;
- court records of the person's adoption, name change, or sex change;
- an ID card issued to the person by a state or federal governmental entity for the purpose of obtaining public benefits;
- a temporary driving permit issued by DPS;
- a pilot's license issued an authorized federal agency;
- a borrower's card from a Texas library containing the person's name; or
- a hunting or fishing license issued by the Parks and Wildlife Department.

If the voter's identity could be verified from the proof presented and the voter's name was on the precinct list of registered voters, the voter could proceed to vote.

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A voter whose identity was verified by presenting the proof described above also could proceed to vote if the voter:

- did not present a voter registration certificate but the voter's name appeared on the precinct list;
- presented a correct voter registration certificate but the voter's name did not appear on the precinct list; or
- presented a voter registration certificate showing registration in a different precinct, if the voter swore that he or she was a new resident of the precinct and would vote only once.

A voter with or without a voter registration certificate who did not present proof sufficient to meet the identification requirements described above would be allowed to vote a provisional ballot.

HB 218 also would amend Transportation Code, sec. 521.422, to prohibit DPS from collecting a fee for a personal identification certificate issued to an eligible or registered voter who:

- executed an affidavit stating that he or she could not afford to pay the fee, who is a registered Texas voter; and
- presented a valid voter registration certificate or a voter registration application to DPS.

The bill would take effect September 1, 2007.

SUPPORTERS  
SAY:

HB 218 would protect and strengthen the electoral system by requiring voters to present identification at the polls. The bill would establish a uniform, standard for voting at the polls, reduce voter fraud, bring voting in line with other transactions that require proper identification, and raise the bar in restoring election integrity.

Stricter identification requirements would not impose an unreasonable burden on voters. Instead, it would protect the rights of citizens and serve as a reasonable precaution to prevent ineligible people from voting. Proper identification is necessary to ensure that voters are who they say they are, that voters cast only one ballot each, and that ineligible voters — including illegal aliens, felons, and persons using the names of deceased voters — are denied the ability to vote. Cheating at the polls makes a mockery of the electoral process and dilutes the vote of every honest citizen.

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Currently, all that is needed to vote is a registration certificate, but individuals are not required to show identification in order to register to vote. According to Harris County elections officials, at least 35 foreign nationals either applied or received voter registration cards that would have allowed them to vote. In one case, one of them voted four times in a general election.

While instances of fraud or multiple voting in U.S. elections are comparatively rare, even a small amount of fraud could tip a close or disputed election, and the perception of possible fraud contributes to low confidence in the system. For this reason, the Commission on Federal Election Reform, led by former President Jimmy Carter and former Secretary of State James A Baker III, recently concluded that a properly administered identification system could deter, detect, or eliminate several potential avenues of fraud, such as multiple voting or voter impersonation. The commission, which was formed to recommend ways to raise public confidence in the electoral system, also expressed concern that differing requirements from state to state could be a source of discrimination and said that a single, uniform ID for voting purposes — along the lines of REAL ID — would be less discriminatory, by ensuring fair and equal treatment to all voters. HB 218 would put many of the sensible principles advocated by this bipartisan election reform commission to work in Texas.

HB 218 would give voters a variety of ways to fulfill the identification requirements and would not force anyone to bear great costs in obtaining the necessary identification. Those who could not afford one would be eligible for a free identification card. While many citizens undoubtedly would choose to present a Texas driver's license out of convenience, the bill would allow a voter to present copies of common documents that citizens carry or receive in their everyday lives for purposes other than voting, such as paychecks, utility bills, mail from the government, and library cards. State and local election authorities can educate voters about the forms of identification that they would have to bring to the polls, and even if there were some initial confusion, voters quickly would learn what they should bring to the polls in order to vote.

Further, the bill would make it easier for a person of modest means to obtain a driver's license or state photo ID card to use as proof of identity for voting and a host of other purposes. Many activities in everyday life require the presentation of photo ID, including air travel and cashing checks. Society has adapted to these requirements and benefited from the

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safeguards they provide. By requiring DPS to waive the fee to issue identification for a person who could not afford to pay the cost, HB 218 would enable many citizens to more fully participate in society by facilitating their ability to cash checks at banks and supermarkets, enter federal buildings, and board airplanes.

This is not an issue only for Texas. Photo identification laws are considered one of the most basic and necessary election safeguards by a host of countries, including Canada, France, Germany, Italy, Poland, Britain, India, and South Africa. But less than half of the states in the United States have photo identification requirements.

OPPONENTS  
SAY:

The voter ID requirements in HB 218 would create substantial obstacles that would inhibit voter participation and likely would disproportionately affect certain groups, including the elderly, minorities, and low-income voters. By placing an extra burden on voters and creating confusion among election officials and the public alike, the bill effectively would lead to the needless disenfranchisement of many voters. Claims that voter fraud makes it necessary to demand identification at the polls are not supported by evidence. In fact, the actual impact of stricter ID requirements would not be reduction of voter fraud, but the suppression of legitimate votes. Citizens seeking to exercise their right to vote would be hassled and frustrated for no good reason.

While almost all voter fraud involves absentee and mail-in ballots, the bill would do nothing to make mail-in balloting more secure. Instead, it would attempt to address the nonexistent problem of voter impersonation at the polls. Evidence of such fraud is anecdotal at best, and the penalty for voter impersonation is a third-degree felony, a strong deterrent to anyone who might consider casting a dishonest vote. There is no question that election misconduct exists, including wrongful purges of eligible voters, vote harvesting, tampering with registration forms, and improperly handling mail-in ballots. In addition, Justice Department investigations have revealed voting irregularities related to voter confusion over eligibility, such as felons not being aware they may not vote in some states or people mistakenly filling out multiple registrations. But there is no evidence that voter impersonation at the polls is anything but a rare anomaly.

Rather than seeking to enact voter identification laws that needlessly inhibit voters, policymakers should examine empirical data to weigh the costs and benefits. Data suggest that the number of legitimate voters who

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might fail to bring required ID to the polls would be several times higher than the number of fraudulent voters. A recent study issued by Rutgers and Ohio State universities prepared for the federal Election Assistance Commission indicates that minorities could be negatively affected by identification requirements and that voter identification requirements should be limited to the minimum needed to prevent duplicate registration and ensure eligibility.

Similar legislation that passed in several other states, including Missouri, Indiana, Ohio, Georgia, and Arizona, has either been invalidated by the courts or is being challenged. In addition, while citizens are required to show proof of identification in situations ranging from boarding an airplane to renting movies, none of those activities is a constitutional right.

Texas already has taken some steps to lessen the threat of fraud, including the implementation of HAVA requirements. Current registration requirements are sufficient because registrants must swear they are U.S. citizens under penalty of perjury. In addition, falsely claiming citizenship and voting fraud are federal offenses. Texas should attempt to curb voter fraud by vigorously prosecuting any election fraud cases rather than enacting a law aimed at solving a nonexistent problem.

OTHER  
OPPONENTS  
SAY:

The bill should require a grace period of at least one election to allow for the education of voters and election workers. The provisions in HB 218 would be a major departure from current law, and voters and elections officials would need time to learn about the new requirements.

In addition, military discharge papers should be accepted as non-photo proof of identification in HB 218.

NOTES:

The author intends to offer a floor amendment to delay the photo identification requirement until September 2008.

The fiscal note anticipates a cost of \$177,060 per fiscal year in general revenue-related funds to allow DPS to issue personal identification cards at no cost to certain applicants.

During the 2005 regular session, the Legislature considered similar legislation requiring voters to show identification at the polls. HB 1706 by Denny passed the House, but died in the Senate State Affairs Committee. The House amended a related bill, SB 89 by Averitt, to include provisions

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similar to HB 1706, but SB 89 died in conference committee.  
HB 218 originally was set on the April 17 Major State Calendar and was recommitted to committee on April 16. The original vote in the Elections Committee to report HB 218 was 4 ayes, 3 nays (Anchia, Burnam, Farias).

By: Brown of Kaufman, Berman, Bohac, Riddle,  
et al. H.B. No. 218

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requiring a voter to present proof of identification.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 13.122(a), Election Code, is amended to  
5 read as follows:

6 (a) In addition to the other statements and spaces for  
7 entering information that appear on an officially prescribed  
8 registration application form, each official form must include:

9 (1) the statement: "I understand that giving false  
10 information to procure a voter registration is perjury and a crime  
11 under state and federal law.";

12 (2) a space for the applicant's registration number;

13 (3) a space for the applicant's Texas driver's license  
14 number or number of a personal identification card issued by the  
15 Department of Public Safety;

16 (4) a space for the applicant's telephone number;

17 (5) a space for the applicant's social security  
18 number;

19 (6) a space for the applicant's sex;

20 (7) a statement indicating that the furnishing of the  
21 applicant's telephone number and sex is optional;

22 (8) a space or box for indicating whether the  
23 applicant or voter is submitting new registration information or a  
24 change in current registration information;

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1                     (9) a statement instructing a voter who is using the  
2 form to make a change in current registration information to enter  
3 the voter's name and the changed information in the appropriate  
4 spaces on the form;

5                     (10) a statement that if the applicant declines to  
6 register to vote, that fact will remain confidential and will be  
7 used only for voter registration purposes;

8                     (11) a statement that if the applicant does register  
9 to vote, information regarding the agency or office to which the  
10 application is submitted will remain confidential and will be used  
11 only for voter registration purposes;

12                    (12) a space or box for indicating whether the  
13 applicant is interested in working as an election judge;

14                    (13) a statement warning that a conviction for making  
15 a false statement may result in imprisonment for up to the maximum  
16 amount of time provided by law, a fine of up to the maximum amount  
17 provided by law, or both the imprisonment and the fine; [and]

18                    (14) a space or box for indicating whether the  
19 applicant served in the active military, naval, or air service, was  
20 discharged or released from the service under conditions other than  
21 dishonorable, and incurred or aggravated a disability in the line  
22 of duty in that service;

23                    (15) a space or box for indicating whether the  
24 applicant is a widow or widower of a person who served in the active  
25 military, naval, or air service; and

26                    (16) [(14)] any other voter registration information  
27 required by federal law or considered appropriate and required by

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1 the secretary of state.

2 SECTION 2. Section 15.001(a), Election Code, is amended to  
3 read as follows:

4 (a) Each voter registration certificate issued must  
5 contain:

6 (1) the voter's name in the form indicated by the  
7 voter, subject to applicable requirements prescribed by Section  
8 13.002 and by rule of the secretary of state;

9 (2) the voter's residence address or, if the residence  
10 has no address, the address at which the voter receives mail and a  
11 concise description of the location of the voter's residence;

12 (3) the month, day, and year of the voter's birth;

13 (4) the number of the county election precinct in  
14 which the voter resides;

15 (5) the voter's effective date of registration if an  
16 initial certificate;

17 (6) the voter's registration number;

18 (7) an indication of the period for which the  
19 certificate is issued;

20 (8) a statement explaining the circumstances under  
21 which the voter will receive a new certificate;

22 (9) a space for stamping the voter's political party  
23 affiliation;

24 (10) a statement that voting with the certificate by a  
25 person other than the person in whose name the certificate is issued  
26 is a felony;

27 (11) a space for the voter's signature;

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1                   (12) a statement that the voter must sign the  
2 certificate personally, if able to sign, immediately on receipt;

3                   (13) a space for the voter to correct the information  
4 on the certificate followed by a signature line;

5                   (14) the statement: "If any information on this  
6 certificate changes or is incorrect, correct the information in the  
7 space provided, sign below, and return this certificate to the  
8 voter registrar."; [and]

9                   (15) the registrar's mailing address and telephone  
10 number;

11                   (16) an indication that the voter is a  
12 "service-disabled veteran," if the voter stated on the voter's  
13 registration application that the voter served in the active  
14 military, naval, or air service, was discharged or released from  
15 the service under conditions other than dishonorable, and incurred  
16 or aggravated a disability in the line of duty in that service; and

17                   (17) an indication that the voter is a "military widow  
18 or widower," if the voter stated on the voter's registration  
19 application that the voter is a widow or widower of a person who  
20 served in the active military, naval, or air service.

21                   SECTION 3. Section 32.111, Election Code, is amended by  
22 adding Subsection (c) to read as follows:

23                   (c) The training standards adopted under Subsection (a)  
24 must include provisions on the acceptance and handling of the  
25 identification presented by a voter to an election officer under  
26 Section 63.001.

27                   SECTION 4. Section 32.114(a), Election Code, is amended to

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1 read as follows:

2                 (a) The county clerk shall provide one or more sessions of  
3 training using the standardized training program and materials  
4 developed and provided by the secretary of state under Section  
5 32.111 for the election judges and clerks appointed to serve in  
6 elections ordered by the governor or a county authority. Each  
7 election judge shall complete the training program. Each election  
8 clerk shall complete the part of the training program relating to  
9 the acceptance and handling of the identification presented by a  
10 voter to an election officer under Section 63.001.

11                 SECTION 5. As soon as practicable after the effective date  
12 of this Act:

13                 (1) the secretary of state shall adopt the training  
14 standards and develop the training materials required to implement  
15 the change in law made by this Act to Section 32.111, Election Code;  
16 and

17                 (2) the county clerk of each county shall provide a  
18 session of training under Section 32.114, Election Code, using the  
19 standards adopted and materials developed to implement the change  
20 in law made by this Act to Section 32.111, Election Code.

21                 SECTION 6. Chapter 62, Election Code, is amended by adding  
22 Section 62.016 to read as follows:

23                 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE  
24 POLLING PLACES. The presiding judge shall post in a prominent place  
25 on the outside of each polling location a list of the acceptable  
26 forms of photographic and nonphotographic identification. The  
27 notice and list must be printed using a font that is at least

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1     24-point.

2                 SECTION 7. Section 63.001, Election Code, is amended by  
3 amending Subsections (b), (c), (d), and (f) and adding Subsections  
4 (g), (h), (i), (j), and (k) to read as follows:

5                 (b) On offering to vote, a voter must present to an election  
6 officer at the polling place the voter's voter registration  
7 certificate and, except as provided by Subsection (j) or (k)  
8 either:

9                         (1) one form of identification listed in Section  
10 63.0101(a); or

11                         (2) two different forms of identification listed in  
12 Section 63.0101(b) [to an election officer at the polling place].

13                 (c) On presentation of the documentation required by  
14 Subsection (b) [a registration certificate], an election officer  
15 shall determine whether the voter's name on the registration  
16 certificate is on the list of registered voters for the precinct.

17                 (d) If the voter's name is on the precinct list of  
18 registered voters and the voter's identity can be verified from the  
19 proof presented, the voter shall be accepted for voting.

20                 (f) After determining whether to accept a voter, an election  
21 officer shall return the voter's documentation [~~registration~~  
22 ~~certificate~~] to the voter.

23                 (g) If the requirements for identification prescribed by  
24 Subsection (b) are not met, the voter may be accepted for  
25 provisional voting only under Section 63.011. An election officer  
26 shall inform a voter who is not accepted for voting under this  
27 section of the voter's right to cast a provisional ballot under

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1     Section 63.011.

2                 (h) The requirements for identification prescribed by

3     Subsection (b)(1) or (2) do not apply to a voter who:

4                 (1) presents the voter's voter registration

5     certificate on offering to vote; and

6                 (2) is 80 years of age or older as indicated by the

7     date of birth on the voter's voter registration certificate.

8                 (i) Notwithstanding Subsection (b), (c), (d), or (g), a

9     voter shall be accepted for voting after presenting a voter

10    registration certificate or one form of identification listed in

11    Section 63.0101 if:

12                 (1) the voter's name on the registration certificate

13    or form of identification is on the list of registered voters for

14    the precinct;

15                 (2) the precinct is located in a county that the

16    governor proclaimed to be in a state of disaster under Section

17    418.014, Government Code, due to a weather-related event; and

18                 (3) the date of the election is before the first

19    anniversary of the date the state of disaster expires.

20                 (j) A voter who presents a voter registration certificate

21    indicating that the voter is a service-disabled veteran is not

22    required to provide any identification in addition to the voter's

23    voter registration certificate.

24                 (k) A voter who presents a voter registration certificate

25    indicating that the voter is a military widow or widower is not

26    required to provide any identification in addition to the voter's

27    voter registration certificate.

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1 SECTION 8. Section 63.006(a), Election Code, is amended to  
2 read as follows:

3 (a) A voter who, when offering to vote, presents a voter  
4 registration certificate indicating that the voter is currently  
5 registered in the precinct in which the voter is offering to vote,  
6 but whose name is not on the precinct list of registered voters,  
7 shall be accepted for voting if the voter's identity can be verified  
8 from the proof presented.

9 SECTION 9. Section 63.007(a), Election Code, is amended to  
10 read as follows:

11 (a) A voter who, when offering to vote, presents a voter  
12 registration certificate indicating that the voter is currently  
13 registered in a different precinct from the one in which the voter  
14 is offering to vote, and whose name is not on the precinct list of  
15 registered voters, shall be accepted for voting if the voter's  
16 identity can be verified from the proof presented and the voter  
17 executes an affidavit stating that the voter:

18 (1) is a resident of the precinct in which the voter is  
19 offering to vote or is otherwise entitled by law to vote in that  
20 precinct;

21 (2) was a resident of the precinct in which the voter  
22 is offering to vote at the time that information on the voter's  
23 residence address was last provided to the voter registrar;

24 (3) did not deliberately provide false information to  
25 secure registration in a precinct in which the voter does not  
26 reside; and

27 (4) is voting only once in the election.

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1 SECTION 10. Section 63.008(a), Election Code, is amended to  
2 read as follows:

3 (a) A voter who does not present a voter registration  
4 certificate when offering to vote, but whose name is on the list of  
5 registered voters for the precinct in which the voter is offering to  
6 vote, shall be accepted for voting if the voter executes an  
7 affidavit stating that the voter does not have the voter's voter  
8 registration certificate in the voter's possession at the polling  
9 place at the time of offering to vote and the voter's identity can  
10 be verified from the proof presented [voter presents proof of  
11 identification in a form described by Section 63.0101].

12 SECTION 11. Section 63.0101, Election Code, is amended to  
13 read as follows:

14 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

15 (a) The following documentation is an acceptable form [~~as proof~~] of  
16 photo identification under this chapter:

17 (1) a driver's license or personal identification card  
18 issued to the person by the Department of Public Safety that has not  
19 expired or that expired no earlier than two years before the date of  
20 presentation [~~or a similar document issued to the person by an~~  
21 ~~agency of another state, regardless of whether the license or card~~  
22 ~~has expired~~];

23 (2) a United States military identification card that  
24 contains the person's photograph [~~form of identification~~  
25 ~~containing the person's photograph that establishes the person's~~  
26 ~~identity~~];

27 (3) a valid employee identification card that contains

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1       the person's photograph and is issued by an employer of the person  
2       in the ordinary course of the employer's business [birth  
3       certificate or other document confirming birth that is admissible  
4       in a court of law and establishes the person's identity];

5               (4)   a United States citizenship certificate [papers]  
6        issued to the person that contains the person's photograph;

7               (5)   a United States passport issued to the person;

8               (6)   a student identification card issued by a public  
9       or private institution of higher education located in the United  
10      States that contains the person's photograph [official mail  
11      addressed to the person by name from a governmental entity];

12               (7)   a license to carry a concealed handgun issued to  
13      the person by the Department of Public Safety; or

14               (8)   a valid identification card that contains the  
15      person's photograph and is issued by:

16                       (A)   an agency or institution of the federal  
17      government; or

18                       (B)   an agency, institution, or political  
19      subdivision of this state.

20               (b)   The following documentation is acceptable as proof of  
21      identification under this chapter:

22                       (1)   a copy of a current utility bill, bank statement,  
23      government check, paycheck, or other government document that shows  
24      the name and address of the voter;

25                       (2)   official mail addressed to the person by name from  
26      a governmental entity;

27                       (3)   a certified copy of a birth certificate or other

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1 document confirming birth that is admissible in a court of law and  
2 establishes the person's identity;

5                                 (5) an original or certified copy of the person's  
6                                 marriage license or divorce decree;

(6) court records of the person's adoption, name  
change, or sex change;

9               (7) an identification card issued to the person by a  
10       governmental entity of this state or the United States for the  
11       purpose of obtaining public benefits, including veteran's  
12       benefits, Medicaid, or Medicare;

13                   (8) a temporary driving permit issued to the person by  
14       the Department of Public Safety;

15                   (9) a pilot's license issued to the person by the  
16                   Federal Aviation Administration or another authorized agency of the  
17                   United States;

18                   (10) a library card that contains the person's name  
19 issued to the person by a public library located in this state; or

20                   (11) a hunting or fishing license issued to a person by  
21 the Parks and Wildlife Department [~~or~~  
22                   [(8) any other form of identification prescribed by  
23 the secretary of state].

24 SECTION 12. Section 63.011(a), Election Code, is amended to  
25 read as follows:

(a) A person to whom Section 63.001(g), 63.008(b), or  
63.009(a) applies may cast a provisional ballot if the person

H.B. No. 218

1 executes an affidavit stating that the person:

2 (1) is a registered voter in the precinct in which the  
3 person seeks to vote; and

4 (2) is eligible to vote in the election.

5 SECTION 13. Section 521.422, Transportation Code, is  
6 amended by amending Subsection (a) and adding Subsection (d) to  
7 read as follows:

8 (a) Except as provided by Subsection (d), the [The] fee for  
9 a personal identification certificate is:

10 (1) \$15 for a person under 60 years of age;

11 (2) \$5 for a person 60 years of age or older; and

12 (3) \$20 for a person subject to the registration  
13 requirements under Chapter 62, Code of Criminal Procedure.

14 (d) The department may not collect a fee for a personal  
15 identification certificate issued to a person who states that the  
16 person is obtaining the personal identification certificate for the  
17 sole purpose of satisfying Section 63.001(b)(1), Election Code,  
18 and:

19 (1) who is a registered voter in this state and  
20 presents a valid voter registration certificate; or

21 (2) who is eligible for registration under Section  
22 13.001, Election Code, and submits a registration application to  
23 the department.

24 SECTION 14. The voter registrar of each county shall  
25 provide notice of the change in identification requirements for  
26 voting contained in this Act with each voter registration  
27 certificate or renewal registration certificate issued on or before

H.B. No. 218

1 September 1, 2008. The secretary of state shall prescribe the form  
2 of the notice required under this section.

3 SECTION 15. This Act takes effect September 1, 2007.

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 29, 2007

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs  
**FROM:** John S. O'Brien, Director, Legislative Budget Board  
**IN RE: HB218** by Brown, Betty (Relating to requiring a voter to present proof of identification.), As Engrossed

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB218, As Engrossed: an impact of \$0 through the biennium ending August 31, 2009.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Revenue Gain/(Loss) from <i>TEXAS MOBILITY FUND</i> 365
2008	(\$671,110)
2009	(\$671,110)
2010	(\$671,110)
2011	(\$671,110)
2012	(\$671,110)

**Fiscal Analysis**

The bill would amend Chapter 13 of the Election Code to require changes be made to the voter registration application form.

The bill would amend Chapter 63 of the Election Code to require a voter to present qualifying identification, as described in the bill, in addition to a voter's registration certificate. The requirement would not apply to individuals 80 years of age or older who presented their voter registration certificate. The presiding election judge would be required to prominently post notices of the list of acceptable forms of identification outside each polling location. The voter registrar of each county would be required to provide notice of the changes in identification requirements with each voter registration certificate or renewal registration certificate issued on or before September 1, 2008.

As soon as practicable after the effective date of the bill, the Secretary of State would be required to adopt training standards and develop training materials related to the changes in the acceptance and

handling of identification presented by a voter; and each county clerk would be required to provide a training session using those standards and materials.

The bill would amend Chapter 521 of the Transportation Code to prohibit the Texas Department of Public Safety (DPS) from collecting a fee for a personal identification certificate issued to a person who states that the person is obtaining the certificate for the sole purpose of satisfying the identification requirement that would be imposed by the bill, and the person is a registered voter in the state or is eligible for registration and submits a registration application to DPS.

The bill would take effect September 1, 2007.

Analysis by the Secretary of State indicates costs associated with changing and printing forms and creating new training materials and requirements could be absorbed using existing resources.

This analysis estimates that the provision of the bill that would exempt certain applicants from payment for an identification card would result in an annual revenue loss of \$671,110 each fiscal year out of the Texas Mobility Fund.

### **Methodology**

Out of the nearly 4.1 million identification card holders in the Texas driver license file, there are 536,888 identification card holders who have indicated they are a registered voter. DPS does not know how many of those card holders would choose to use their identification card solely as voter identification; therefore, DPS assumed 100 percent of those 536,888 card holders would use the card for voting purposes only. The fee that would be waived ranges from \$5 to \$20, depending on certain criteria. DPS assumed the \$15 fee would apply to 100 percent of the persons seeking an identification card for voting purposes. This analysis assumes 50 percent of the identification card holders would seek their card solely as voter identification.

If the fee were to be waived for 50 percent all 536,888 persons applying for a renewal of their identification card totaling 268,444 persons, the estimated revenue loss for the Texas Mobility Fund over a six-year renewal period would be more than \$4.0 million ( $268,444 \times \$15 = \$4,026,660$ ), which calculates to an annual revenue loss of approximately \$0.7 million ( $\$4,026,660 / 6 = \$671,110$ ).

The revenue loss could be lower if fewer people than the 50 percent assumption who currently indicate they are a registered voter on their identification card state that the card would be used solely as voter identification, or it could be higher if all other identification card holders were to state when renewing that the card would be used solely for voter identification.

### **Technology**

DPS would incur technology costs for reprogramming the Driver License System, but it is assumed those costs could be absorbed within existing resources.

### **Local Government Impact**

The costs to counties would vary depending on the number of polling places for which signs must be posted, the number of election workers to be trained, and the number of registered voters to be notified of identification changes. However, no significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 307 Secretary of State, 405 Department of Public Safety

**LBB Staff:** JOB, KJG, GG, DB, LG

**BILL ANALYSIS**

Senate Research Center

H.B. 218

By: Brown, Betty et al. (Fraser)  
State Affairs  
4/28/2007  
Engrossed**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, voters are only required to present a voter registration certificate to a poll worker to vote in a regular election. While this practice attempts to ensure that only registered voters receive a ballot on Election Day, it leaves a potential loophole for fraud, as individuals are not required to show identification to register to vote. As a result, it is possible for an unscrupulous individual to submit several falsified voter registration applications and to receive the voter registration certificates for those applications. Requiring verification of an individual's identity at the polling place, in addition to the voter registration certificate, may lessen the chance of such fraud occurring.

H.B. 218 requires that a voter present proof of identification when offering to vote.

**RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 13.122(a), Election Code, to include a space or box for indicating whether the applicant for voter registration has served in the active military, naval, or air service, was discharged or released from the service under conditions other than dishonorable, and incurred or aggravated an injury during that service (service-disabled veteran), and to include a space or box for indicating whether the applicant is a widow or widower of a person who served in active military, naval, or air service (military widow or widower), in addition to the other statements and spaces for entering information that are required to appear on a voter registration application form. Makes conforming changes.

SECTION 2. Amends Section 15.001(a), Election Code, to include an indication on a voter registration certificate that the voter is a service-disabled veteran or a military widow or widower. Makes a conforming change.

SECTION 3. Amends Section 32.111, Election Code, by adding Subsection (c) to require the training standards adopted under Subsection (a) of this section (Training Standards for Election Judges) to include provisions on the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001 (Regular Procedure for Accepting Voter), Election Code.

SECTION 4. Amends Section 32.114(a), Election Code, to require each election clerk to complete the part of the training program relating to the acceptance and handling of the identification presented by a voter to an election official under Section 63.001.

SECTION 5. Requires the secretary of state to adopt the training standards and develop the training materials required, and for the county clerk of each county to provide a session of training under Section 32.114 (Public County Training Program), Election Code, using the standards adopted and the materials developed, as soon as practicable after the effective date of this act to implement the change in law made by this Act to Section 32.111, Election Code.

SECTION 6. Amends Chapter 62, Election Code, by adding Section 62.016, as follows:

Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE POLLING PLACES. Requires the presiding judge to post a list of the acceptable forms of photographic and nonphotographic identification in a prominent place on the outside of each polling location. Requires the notice and list to be printed in at least 24-point font.

SECTION 7. Amends Section 63.001, Election Code, by amending Subsections (b), (c), (d), and (f), and adding Subsections (g) through (k), as follows:

- (b) Requires a voter to present to an election officer the voter's voter registration certificate at the polling place and, except as provided by Subsection (j) or (k), one form of identification listed in Section 63.101(a) (relating to certain acceptable forms of photo identification) or two different forms of identification listed in Section 63.101(b) (regarding certain documentation considered acceptable as proof of identification).
- (c) Deletes existing text referring to a registration certificate and replaces it with text referring to the documentation required by Subsection (b).
- (d) Requires the voter to be accepted for voting if the voter's name is on the precinct list of registered voters and the voter's identity can be verified from the proof presented.
- (f) Makes a conforming change.
- (g) Authorizes the acceptance of a voter for provisional voting only under Section 63.011 (Provisional Voting), Election Code, if the requirements for identification prescribed by Subsection (b) are not met. Requires an election officer to inform a voter who is not accepted for voting under this section of the voter's right to cast a provisional ballot under that section.
- (h) Provides that the requirements for identification prescribed by Subsection (b) do not apply to a voter who presents the voter's voter registration certificate on offering to vote and is 80 years of age or older as indicated by the date of birth on the voter's voter registration certificate.
- (i) Sets forth certain provisions for voting in a precinct located in a county that the governor proclaimed to be in a state of disaster due to a weather related event, notwithstanding Subsection (b), (c), (d), or (g).
- (j) Provides that a voter who presents a voter registration certificate that indicates the voter is a service-disabled veteran is not required to provide any identification in addition to that certificate.
- (k) Provides that a voter who presents a voter registration certificate that indicates the voter is a military widow or widower is not required to provide any identification in addition to that certificate.

SECTION 8. Amends Section 63.006(a), Election Code, to require that a voter whose registration certificate indicates that the voter is currently registered in the percent in which the voter is offering to vote, but whose name is not on the precinct list of registered voters, be accepted for voting if the voter's identity can be verified from the proof presented.

SECTION 9. Amends Section 63.007(a), Election Code, to make a conforming change.

SECTION 10. Amends Section 63.008(a), Election Code, to require that a voter who does not present a voter registration certificate when offering to vote, but whose name is on the list of registered voters for the precinct, be accepted for voting if the voter executes an affidavit stating that the voter does not have the voter's voter registration certificate in the voter's possession at the polling place at the time of offering to vote and the voter's identity can be verified from the proof presented, rather than if the voter presents proof of identification in a form described by Section 63.0101.

SECTION 11. Amends Section 63.0101, Election Code, as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. (a) Creates this subsection from existing text. Sets forth certain documentation that constitutes an acceptable form of photo identification, rather than proof of identification, under this chapter (Accepting Voter).

(b) Sets forth certain documentation that constitutes acceptable proof of identification under this chapter.

SECTION 12. Amends Section 63.011(a), Election Code, to include a person to whom Section 63.001(g) applies as a person who is authorized to cast a provisional ballot if the person executes an affidavit with certain statements.

SECTION 13. Amends Section 521.422, Transportation Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Sets forth certain fees for the issuance of a personal identification certificate, except as provided by Subsection (d).

(d) Prohibits the Texas Department of Transportation from collecting a fee for a personal identification certificate to a person who states the that the person is obtaining said certificate for the sole purpose of satisfying Section 63.001(b)(1), Election Code, and who meets other certain criteria.

SECTION 14. Requires the voter registrar of each county to provide notice of the change in identification requirements of voting contained in this Act with each voter registration certificate or renewal registration certificate issued on or before September 1, 2008. Requires the secretary of state to prescribe the form of such a notice.

SECTION 15. Effective date: September 1, 2007.

\*\* REVISION \*\*

SENATE

NOTICE OF PUBLIC HEARING

COMMITTEE: State Affairs  
TIME & DATE: 9:00 AM, Monday, April 30, 2007  
PLACE: Senate Chamber  
CHAIR: Senator Robert Duncan

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Bills to be considered:

SB 1143 Deuell

Relating to prohibiting certain ranking of physicians by health benefit plans.

SB 1613 Duncan

Relating to the immunity from individual liability of directors of soil and water conservation districts.

SB 2037 Ogden

Relating to the ability of the attorney general to offer assistance to a prosecuting attorney.

SB 2040 Jackson, Mike

Relating to coverage for bariatric surgical procedures for certain state employees.

HB 41 Paxton

SP: Seliger

Relating to the confidentiality of home address information of certain federal judges and their spouses and of certain state judges.

HB 218 Brown, Betty / et al. SP: Fraser

Relating to requiring a voter to present proof of identification.

HB 991 Rose / et al.

SP: Deuell

Relating to the confidentiality of certain records maintained by the Department of Public Safety regarding persons licensed

JA\_008145

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to carry a concealed handgun.

HB 1602 Van Arsdale / et al. SP: Fraser

Relating to venue in civil actions under the Jones Act.

HB 2004 Giddings SP: Lucio

Relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.

HJR 59 Elkins / et al. SP: Wentworth

Proposing a constitutional amendment to allow the legislature to override a veto of the governor following a legislative session.

#### Pending Bills

SB 700 Lucio

Relating to state agency rules affecting small businesses.

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SB 730 Carona / et al.

Relating to a study concerning maximum lifetime benefit limits under health benefit plan coverage applicable to hemophilia-related services, supplies, pharmaceuticals, and biologics.

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Bills added after last posting:

HB 41

SB 700

SB 730

\*\* See Committee Coordinator for previous versions of the schedule \*\*

**MINUTES**  
**SENATE COMMITTEE ON STATE AFFAIRS**  
Monday, April 30, 2007  
9:00 a.m.  
Senate Chamber

\*\*\*\*\*

Pursuant to a notice posted in accordance with Senate Rule 11.18, a public hearing of the Senate Committee on State Affairs was held on Monday, April 30, 2007, in the Senate Chamber in Austin, Texas.

\*\*\*\*\*

**MEMBERS PRESENT:**

Senator Robert Duncan  
Senator Tommy Williams  
Senator John Carona  
Senator Rodney Ellis  
Senator Troy Fraser  
Senator Chris Harris  
Senator Mike Jackson  
Senator Eddie Lucio, Jr.  
Senator Leticia Van de Putte

\*\*\*\*\*

The chair called the meeting to order at 9:05 a.m. The following business was transacted:

The chair laid out HB 41 and recognized the Senate sponsor, Senator Seliger, to explain the bill. Senator Fraser sent up a committee substitute; the chair recognized Senator Seliger to explain the difference between the committee substitute and the house bill as engrossed. Senator Duncan sent up Committee Amendment 1 to HB 41. Witnesses registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered. The chair moved that HB 41 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out SB 1143 and recognized the author, Senator Deuell, to explain the bill. Senator Fraser sent up a committee substitute; the chair recognized Senator Deuell to explain the difference between the committee substitute and the senate bill as filed. Witnesses testifying and registering on the bill are shown on the attached list. The

chair moved that the public testimony be closed; without objection, it was so ordered. The chair moved that SB 1143 be left pending; without objection, it was so ordered.

The chair laid out HB 991 and recognized the Senate sponsor, Senator Deuell, to explain the bill. Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered. The chair moved that HB 991 be left pending; without objection, it was so ordered.

The chair laid out SB 2040 and recognized the author, Senator Jackson, to explain the bill. Senator Jackson sent up a committee substitute; the chair recognized Senator Jackson to explain the difference between the committee substitute and the senate bill as filed.

At 9:53 a.m. Senator Fraser assumed the chair.

At 9:54 a.m. Senator Duncan resumed the chair.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered. The chair moved that SB 2040 be left pending; without objection, it was so ordered.

The chair laid out HB 218 and recognized the Senate sponsor, Senator Fraser, to explain the bill. Senator Fraser sent up a committee substitute; the chair recognized Senator Fraser to explain the difference between the committee substitute and the house bill as engrossed. Witnesses testifying and registering on the bill are shown on the attached list.

Upon arrival of a quorum, the chair requested the roll call. Senators Duncan, Ellis, Fraser, Lucio, Jr., and Van de Putte were all present. A quorum was established at 11:19 a.m. Senators Williams and Carona arrived after the roll call.

The chair moved that the public testimony be closed; without objection, it was so ordered. The chair moved that HB 218 be left pending; without objection, it was so ordered.

The chair laid out HB 2004 and recognized the Senate sponsor, Senator Lucio, Jr., to explain the bill. Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered. Senator Duncan sent up Committee Amendment 1. The chair moved that HB 2004 be left pending; without objection, it was so ordered.

The chair laid out HJR 59 and recognized the Senate sponsor, Senator Wentworth, to explain the bill. Senator Lucio, Jr. sent up a committee substitute; the chair recognized Senator Wentworth to explain the difference between the committee substitute and the house bill as engrossed. With no witnesses registering the chair moved public testimony

be closed; without objection, it was so ordered. The chair moved that HJR 59 be left pending; without objection, it was so ordered.

At 1:00 p.m. the chair moved that the committee stand recessed until after adjournment of the Senate; without objection, it was so ordered.

At 6:49 p.m. the committee reconvened.

The chair laid out SB 2037 and recognized Senator Williams, in the absence of the author, to explain the bill. Senator Williams sent up a committee substitute; the chair recognized Senator Williams to explain the difference between the committee substitute and the senate bill as filed. Senator Williams moved adoption of the committee substitute; without objection, it was so ordered. Witnesses registering on the bill are shown on the attached list. The chair moved public testimony be closed; without objection, it was so ordered. The chair moved that SB 2037 be left pending; without objection, it was so ordered.

At 6:55 p.m. Senator Williams assumed the chair.

The chair laid out SB 1613 and recognized the author, Senator Duncan, to explain the bill. Senator Duncan sent up a committee substitute; the chair recognized Senator Duncan to explain the difference between the committee substitute and the senate bill as filed. Senator Duncan moved adoption of the committee substitute; without objection, it was so ordered. Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered. The chair moved that SB 1613 be left pending; without objection, it was so ordered.

At 7:02 p.m. Senator Duncan resumed the chair.

Upon arrival of a quorum, the chair requested the roll call. Senators Duncan, Williams, Fraser, Harris, Jackson, and Van de Putte were all present. A quorum was established at 7:02 p.m. Senators Carona, Ellis, and Lucio, Jr., arrived after the roll call.

At 7:03 p.m. Senator Williams assumed the chair.

The chair laid out as a matter of pending business SB 1613. Senator Duncan moved that SB 1613 do not pass but that CSSB 1613 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Duncan moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered. Senators Carona, Ellis, and Lucio, Jr., requested unanimous consent to be shown voting AYE on SB 1613; without objection, it was so ordered.

At 7:04 p.m. Senator Duncan resumed the chair.

The chair laid out as a matter of pending business SB 2037. Senator Williams moved that SB 2037 do not pass but that CSSB 2037 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Williams moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered. Senators Carona and Lucio, Jr. requested unanimous consent to be shown voting AYE on SB 2037; without objection, it was so ordered.

The chair laid out as a matter of pending business SB 2040. Senator Jackson moved adoption of the committee substitute; without objection, it was so ordered. Senator Jackson moved that SB 2040 do not pass but that CSSB 2040 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Jackson moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered. Senators Carona and Lucio, Jr., requested unanimous consent to be shown voting AYE on SB 2040; without objection, it was so ordered.

The chair laid out as a matter of pending business HB 41. The chair moved adoption of Committee Amendment 1 to HB 41; without objection, it was so ordered. Senator Fraser requested unanimous consent to roll the amendment into a committee substitute; without objection, it was so ordered. Senator Fraser then moved that the committee substitute be adopted; without objection, it was so ordered. Senator Fraser moved that HB 41 do not pass but that CSHB 41 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Fraser moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered. Senators Carona and Lucio, Jr., requested unanimous consent to be shown voting AYE on HB 41; without objection, it was so ordered.

The chair laid out as a matter of pending business HB 218. Senator Fraser withdrew the previously offered substitute. Senator Fraser sent up a new committee substitute; the chair recognized Senator Fraser to explain the difference between the committee substitute and the senate bill as filed. Senator Fraser moved adoption of the committee substitute; without objection, it was so ordered. Senator Fraser moved that HB 218 do not pass but that CSHB 218 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 3 nays, 0 present not voting, and 0 absent. Senator Lucio, Jr., requested unanimous consent to be show voting NAY on HB 218; without objection, it was so ordered.

The chair laid out as a matter of pending business HB 991. Senator Williams moved that HB 991 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 2 nays, 0 present not voting, and 0 absent. Senator Lucio, Jr. requested unanimous consent to be shown voting AYE on HB 991; without objection, it was so ordered.

The chair laid out as a matter of pending business HB 2004.

At 7:13 p.m. Senator Williams assumed the chair.

Senator Duncan moved adoption of Committee Amendment 1 to HB 2004; without objection, it was so ordered. Senator Lucio, Jr., sent up Committee Amendment 2 to HB 2004. Senator Duncan moved that HB 2004 be left pending; without objection, it was so ordered.

At 7:16 p.m. Senator Duncan resumed the chair.

The chair laid out as a matter of pending business SB 700 and recognized the author, Senator Lucio, Jr., to explain the bill. Senator Lucio, Jr., withdrew previously offered Committee Amendment 1 to SB 700. Senator Lucio, Jr. sent up Committee Amendment 2 to SB 700 and moved adoption; without objection, the amendment was adopted. Senator Lucio, Jr. requested unanimous consent to roll the amendment into a committee substitute; without objection, it was so ordered. Senator Lucio, Jr. then moved that the committee substitute be adopted; without objection, it was so ordered. Senator Lucio, Jr. moved that SB 700 do not pass but that CSSB 700 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent.

The chair laid out as a matter of pending business SB 730 and recognized the author, Senator Carona, to explain the bill. SB 730 had previously been heard in Subcommittee and reported back to the full Committee with the recommendation that it do pass. Senator Carona moved that SB 700 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Carona moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out as a matter of pending business SB 922. Senator Lucio, Jr., moved adoption of the previously offered committee substitute; without objection, it was so ordered. Senator Lucio, Jr. moved that SB 922 do not pass but that CSSB 922 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent.

The chair laid out as a matter of pending business HB 2004. Senator Lucio, Jr. withdrew Committee Amendment 2 to HB 2004. Senator Lucio, Jr. requested unanimous consent to roll Committee Amendment 1 to HB 2004 into a committee substitute; without objection, it was so ordered. Senator Lucio, Jr. then moved that the committee substitute be adopted; without objection, it was so ordered. Senator Lucio, Jr. moved that HB 2004 do not pass but that CSHB 2004 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent.

The chair laid out HB 1602 and recognized the Senate sponsor, Senator Fraser, to explain the bill. Senator Fraser sent up a committee substitute; the chair recognized Senator Fraser to explain the difference between the committee substitute and the house bill as engrossed. Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

During witness testimony Senators Carona and Jackson assumed the chair temporarily for Senator Duncan.

The chair moved that HB 1602 be left pending; without objection, it was so ordered.

There being no further business, at 10:21 p.m. the chair moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.

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Senator Robert Duncan, Chair

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Anna Beth White, Clerk

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USA\_00023034

## WITNESS LIST

State Affairs  
April 30, 2007 - 09:00 AM

### HB 41

Registering, but not testifying:

On:

Reynolds, Carl (Office of Court Administration, Texas Judicial Council), Austin, TX

### HB 218

FOR:

Forest, Rebecca (Immigration Reform Coalition of Texas), Austin, TX  
Galloway, Carolyn (Texas Eagle Forum, Citizens for Immigration Reform), Dallas, TX

AGAINST:

Carvell, Helen (Self), Austin, TX  
Courage, John (True Courage Action Network), Austin, TX  
Figueroa, Luis (Mexican American Legal Defense and Educational Fund), San Antonio, TX  
Garza, Jose (LULAC), San Antonio, TX  
Korbel, George (Self), San Antonio, TX  
McCloskey, Amanda (AARP - Texas), Austin, TX  
Perkins, Deena (Self), Austin, TX  
Sanchez, David (Cameron County Democratic Party), Harlingen, TX  
Santana, Sonia (ACLU - Texas)  
Wood, Buck (Self), Austin, TX

ON:

Hanshaw Winn, Elizabeth (Secretary of State), Austin, TX  
McGeehan, Ann (Office of Texas Secretary of State), Austin, TX

Registering, but not testifying:

For:

Connett, Brent (Texas Conservative Coalition), Austin, TX  
Galloway, Bruce C. (Self), Dallas, TX

Against:

Arterburn, David (United Transportation), Amarillo, TX

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Bailey, Ken (Texas Democratic Party), Austin, TX  
Borel, Dennis (Coalition of Texans with Disabilities), Austin, TX  
Cunningham, Michael (Texas Building and Construction Trades Council, AFL-CIO), Austin, TX  
English Jr., C.M. (United Transportation Union), Austin, TX  
Harrell, Will (NAACP), Austin, TX  
Hill, Dr. Forest G. (Self), Austin, TX  
Lehmann, Mary (Self), Austin, TX  
Littles, Paula (Texas AFLCIO), Austin, TX  
Medley, Lee (District Council of United Steelworkers), Santa Fe, TX  
Moorhead, Bee (Texas Impact), Austin, TX  
Neavel, Nancy T. (Self), Austin, TX  
Parken, Judy (Self), Austin, TX  
Privett, Anita (Self), Austin, TX  
Sperry, Teri (True Courage Action Network), Austin, TX

Providing written testimony:

Against:

Arthur, Joy (People for the American Way), Austin, TX  
Banks, Yannis (Texas Conference of NAACP Branches), San Marcos, TX  
Finch, Mary (The League of Women Voters of Texas), Austin, TX

HB 991

FOR:

Tripp, Alice (Texas State Rifle Association), Paige, TX

Registering, but not testifying:

For:

Mica, Tara (National Rifle Association), Austin, TX

Against:

Schneider, Michael (Texas Association of Broadcasters), Austin, TX  
Whalen, Ken (Texas Daily Newspaper Association, Texas Press Association), Austin, TX

HB 1602

FOR:

Boyd, Waymon (King Fisher Marine Service, LP), Port Lavaca, TX  
Elizondo, Enrique (Great Lakes D&D, LLC), Bandera, TX  
Forbes, Scott (Port of Houston Authority), Houston, TX

Hanson, Bill (Maritime Jobs for Texas), Houston, TX  
Hull, Mike (Texans for Lawsuit Reform), Austin, TX  
LaQuaz, Linda (T.W. LaQuaz Dredging), Port Lavaca, TX  
Lawrence, Berdon (Kirby Corporation), Houston, TX  
Patterson, Jerry (Texas General Land Office), Austin, TX  
Trabulsi, Jr., Richard J. (Texans for Lawsuit Reform), Austin, TX  
Weekley, Dick (TLR), Houston, TX  
Woodruff, Matt (Texas Waterway Operators Association), Houston, TX

AGAINST:

Choate, Guy (TTLA), Austin, TX  
Plezia, Richard (TTLA), Houston, TX

ON:

Bresnen, Steve (TTLA), Austin, TX

Registering, but not testifying:

For:

Casals, Peter (Lumbermen's Association of Texas), Austin, TX  
Connett, Brent (Texas Conservative Coalition), Austin, TX  
Cornelison, Robert C. (Texas Ports Association), Los Fresnos, TX  
Fisher, Jon (Sherwin Alumina Company), Austin, TX  
Golemon, Kinnan (Shell Oil Co.), Austin, TX  
Green, Shelton (Texas Association of Business), Austin, TX  
Hastings, Debbie (Texas Oil and Gas Association), Austin, TX  
Howden, Robert (Texas Association of Manufacturers), Austin, TX  
Mathis, James (Dupont), Austin, TX  
McCauley, Cindy (Lyondell Chemical), Houston, TX  
Meroney, Mike (The Huntsman Corporation), Austin, TX  
Mintz, David (Texas Apartment Association), Austin, TX  
Moore, Julie W. (Occidental Petroleum Corporation), Austin, TX  
Newton, Will (National Federation of Independent Business), Austin, TX  
Olson, Kym (El Paso Corp.), Houston, TX  
Perryman, Larry (Bay - Houston Towing Co.), Friendswood, TX  
Sickels, Linda (Trinity Ind. Inc.), Austin, TX  
Strama, Keith (Exxon Mobil), Austin, TX  
Teichman, Rudy (T&T Marine Salvage, Tug Josephine, T&T Offshore), Galveston, TX  
Valdez, Jerry (Greater Houston Partnership), Austin, TX

Whitehurst, Darren (Texas Medical Association), Austin, TX  
Wisdom, Christina (Texas Chemical Council), Austin, TX

Against:

Arterburn, David (United Transportation Union), Amarillo, TX  
Cunningham, Michael (Texas Building and Construction Trades Council, AFL-CIO), Austin, TX  
English, Jr., C.M. (United Transportation Union), Austin, TX  
Harvey, Jay (Texas Trial Lawyers Association), Austin, TX  
House, Marc (United Auto Workers), Arlington, TX

Providing written testimony:

Against:

Bolton, Pamela J. (Texas Watch), Austin, TX

HB 2004

FOR:

DeWitt, Cathy (Texas Association of Business), Austin, TX  
Smith, M.D., Charlotte H. (Texas Medical Association), Austin, TX

AGAINST:

Smith, DO, Stephen L. (Self), Fredericksburg, TX

Registering, but not testifying:

For:

Arterburn, David (United Transportation Union), Amarillo, TX  
Campbell, Ben (TCA), Dripping Springs, TX  
Cunningham, Michael (Texas Building and Construction Trades Council, AFL-CIO), Austin, TX

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English, Jr., C.M. (United Transportation Union), Austin, TX

House, Marc (United Auto Workers), Arlington, TX

Levy, Rick (Texas AFL-CIO), Austin, TX

On:

Lazaretti, Margaret (Texas Department of Insurance), Austin, TX  
Watch, Brent (Texas Department of Insurance, Division of Workers' Compensation), Austin, TX

SB 700

FOR:

Opiela, Eric (Self), Karnes City, TX

SB 1143

FOR:

Smith, M.D., Charlotte H. (Texas Medical Association), Austin, TX  
AGAINST:

Wolfe, Jared (Texas Association of Health Plans), Austin, TX

Registering, but not testifying:

For:

Banning, Tom (Texas Academy of Family Physicians), Austin, TX

Kent, Chip (Texas Chiropractic Association), Austin, TX

Against:

Homer, Andrew (Texas Public Employees Association), Austin, TX

On:

Danzeisen, Doug (Texas Department of Insurance), Austin, TX

SB 1613

FOR:

Edmiston, Gene (VOCA)

Richmond, Jule (Association of Texas Soil and Water Conservation District), Blanket, TX

Registering, but not testifying:

For:

Edmiston, Gene (Self), Voca, TX

Tate, Jesse (McCulloch SWCD), Brady, TX

Thompson, Jan (Hays County Soil and Water Conservation), Wimberley, TX

SB 2037

Registering, but not testifying:

On:

Nichols, Eric (Office of the Attorney General), Austin, TX

SB 2040

FOR:

Scott, Rona P. (Self), Kyle, TX

Sherrod, M.D., Mark R. (Self), Austin, TX

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